

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re DAVID HWANG,

No. C 13-00345 YGR (PR)

ORDER OF TRANSFER

This action was opened on January 25, 2013, when the Court received from Inmate David Hwang a letter addressed to "California Prison Health Care Receivership Corporation" and carbon copied to the Honorable Thelton E. Henderson that concerned prison conditions.

On the same date, the Clerk of the Court notified Plaintiff in writing that his action was deficient in that he had not submitted his complaint on a proper complaint form and had not submitted an *in forma pauperis* application. The Court further notified him that this action would be dismissed if did not submit a complaint on the proper form and a completed *in forma pauperis* application within thirty days.

Further review of Plaintiff's case reveals that, in addition to failing to submit the proper documents, he has also initiated his civil action in the wrong judicial district. Plaintiff's letter states that he is currently incarcerated at Mule Creek State Prison (MCSP) in Ione, California. He alleges that the medical staff at MCSP have ignored his requests for treatment for his "excruciating pain." (Jan. 25, 2013 Letter at 1.)

MCSP is located in the Eastern District of California, and it appears that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The Clerk shall transfer the case forthwith.

1 If he wishes to further pursue this action, Plaintiff must complete the complaint form and *in*
2 *forma pauperis* application required by the United States District Court for the Eastern District of
3 California and mail them to that district.

4 The Clerk shall also direct an electronic version of Plaintiff's letter and this Order to Judge
5 Henderson's courtroom deputy.

6 IT IS SO ORDERED.

7 DATED: February 19, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE